IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4994 OF 2005

Ravindra Lahudas Pisal ..Petitioner.

Vs.

Maharashtra Public Service
Commission & anr. ..Respondents.

....

Mr.Suresh Sabrad for the Petitioner.

Mr.V.S.Gokhale, AGP for the State,

...

CORAM : A.P.SHAH &

DR.D.Y.CHANDRACHUD, JJ.

18th August, 2005.

P.C. :

1. The Petitioner is presently working as an Agricultural Supervisor at the Taluka Agricultural Office, Bhor. The Petitioner appeared for the State Services Examination between 1996 and 2002, but was not successful. An advertisement was issued in June 2005 notifying the holding of the State Services (Preliminary) Examinations 2004. The condition of eligibility in regard to age is

that a candidate must not be in excess of 33 years of age as on 1st October, 2005. The Petitioner does not fulfil the requirement. The Petitioner has submitted that the examination was not held in 2004 and as a result he was deprived of an opportunity of appearing for the examination during the course of that year. The Petitioner submits that the cut off date should have been 1st October, 2004 and not 1st October, 2005 for determining the maximum age of 33 years.

2. The Learned AGP has stated on instructions that the Maharashtra Public Service Commission conducted the preliminary and main examinations for the year 2003 to the State Services on 30th May, 2004 and 11th to 24th February, 2005 respectively. Hence, it is not correct to say that the Petitioner was deprived of an opportunity of appearing for the examination.

3. We are of the view that it would not be possible for this Court in the exercise of its jurisdiction under Article 226 to modify the cut off date or to direct that the candidature of the Petitioner be considered even though he does not

fulfil the age requirement. The fixation of the cut off date is bound to cause hardship in some cases, but that cannot be a ground to deviate from the requirement that is prescribed in accordance with law. We do not find any arbitrariness in the decision of the First Respondent. There is no merit in the Petition. The Petition is accordingly rejected.